

Application No.: 09/770,070  
Amendment Dated: December 4, 2007  
Reply to Office Action of: June 4, 2007

### **REMARKS**

Claims 35-67 are currently pending in the application.

Reconsideration of the patentability of the claimed subject matter is requested in view of the following discussion.

#### **§ 103 Rejections**

Claims 35, 37-42, 45-53, 56-64 and 67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,622,018 to Erikson (“Erikson”) in view of U.S. Patent No. 6,829,478 to Layton (“Layton”) in further view of U.S. Patent No. 6,801,787 to Page et al. (“Page”). In addition, claims 43, 44, 54, 55, 65 and 66 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Erikson in view of Layton and Page and in further view of U.S. Patent No. 5,657,317 to Mahany et al. (“Mahany”).

Independent claim 35 recites the following features (among others): 1) an internal clock integrated within said personal digital assistant; and 2) that the personal digital assistant is configured to i) notify said user via alarm of an impending action at a first time corresponding to the time data; and ii) wirelessly transmit via the wireless communications device, at the first time corresponding to the time data, a control signal to cause the device to perform a first action, said first time indicated by said internal clock.

It is initially noted that the Examiner’s reliance on the Page reference as teaching an internal clock which indicates a time is unsupported. Page merely refers to a personal digital assistant that includes a processor which “has an internal clock . . . whose frequency is determined by the quartz crystal”. Page, col. 6, lines 28-30 (emphasis added). What Page is describing here is merely the system clock that determines the operating speed of the processor. This clock usually operates in the MHz or GHz range and is affirmatively not used to indicate time (i.e., a time of day). For this reason alone, it is submitted that the references, as combined, fail to teach or suggest all of the recited features of independent claim 35.

With regard to the Layton reference, the Office Action states that Layton teaches the feature of notifying the user via alarm of an impending action at a first time corresponding to the time data. (quoting Layton, col. 8, lines 39-50).

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Applicants traverse this assertion. The above-referenced section of Layton provides the following:

If the contact request's that the central station monitoring facility 8 be notified for the dispatch of the authorities, the Notification Engine within the Interactive Messaging Server 18 sends the alarm transmission to the central monitoring station 8 for authority dispatch and the results of the work flow process are stored in the Event Log 19. All other contacts listed in the Customer's Profile 17 are then notified that alarm event notification was sent to the central station monitoring facility 8.

If the alarm notification information is sent to a device where the contact chooses to cancel the alarm event, the customer's notification cancel code is requested.

It is not understood how the dispatching of an alarm notification from the server of an IMS network to a central monitoring station and the subsequent sending of information to other contacts (indicating them that the central monitoring station has been notified) in any way teaches or suggests the feature of a personal digital assistant configured to notify said user via alarm of an impending action at a first time corresponding to time data (entered via the device schedule menu display on the personal digital assistant). Indeed, Layton not only fails to teach or suggest this feature, it can only be said that it teaches away from the claimed subject matter as it merely suggests the use of personal digital assistants as passive receiving elements rather than as controlling elements as claimed by the present invention. See Layton, col. 7, lines 5-8. In sum, it is emphasized that Layton does not concern the functionality of personal digital assistants at all, and specifically does not teach or suggest having a personal digital assistant notify a user of an impending alarm at a set time.

As the Layton reference does not teach or suggest the notification feature of for which it was cited, and as the Examiner acknowledges that Erikson and Page similarly fail to teach or suggest this feature, it is submitted that the references relied upon do not render obvious the subject matter of independent claim 35 or its dependent claims 37-42 and 45, which are therefore patentable. Since independent claims 46 and 57 recite features analogous to those of

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claim 35, it is submitted that they are likewise patentable over the references relied upon, as are their respective dependent claims 47-53 and 56, 58-64 and 67.

Withdrawal of the rejection of claims 35, 37-42, 45-53, 56-64 and 67 have been rejected under 35 U.S.C. § 103(a) is accordingly respectfully requested.

Claims 43, 44, 54, 55, 65 and 66 depend from independent claims 37, 46 and 57 respectively. As the Mahany reference does not cure the deficiencies of the Layton reference in particular as discussed above, it is submitted that the combination of Erikson, Layton, Page and Mahany similarly does not teach or suggest all of the features of the independent claims or of their respective dependent claims 43, 44, 54, 55, 65 and 66, which are therefore patentable over the references relied upon.

Withdrawal of the rejection of claims 43, 44, 54, 55, 65 and 66 under 35 U.S.C. § 103(a) is also accordingly respectfully requested.

### ***Conclusion***

All of the stated grounds of rejection have been properly addressed. Applicants therefore respectfully request that the Examiner reconsider the outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

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Dated: December 4, 2007

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